

**EMPLOYER STATUS DETERMINATION**

**AUG 29 2006**

Chattahoochee & Gulf Railroad Co., Inc.

This is the determination of the Railroad Retirement Board concerning the status of the Chattahoochee & Gulf Railroad Co., Inc. (CHAT) as an employer covered under the Railroad Retirement Act (45 U.S.C. § 231, et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351, et seq.) (RUIA). CHAT has not heretofore been ruled to be an employer under the RRA and RUIA.

Information provided by CHAT indicated that Surface Transportation Board (STB) authority for its operations is set forth in STB Finance Docket No. 34298, decided March 19, 2003. CHAT commenced freight operations on March 7, 2003 on approximately 24.2 miles of trackage between Hilton, GA and Dothan, AL. CHAT interchanges with five railroads all of which are employers covered under the RRA and RUIA. Prior to January 1, 2006, CHAT employees were compensated by H&S Railroad Company, Inc. (B.A. No. 5548) and thereafter by CHAT.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of Title 49 [45 U.S.C. § 231(a)(1)(i)].

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act (45 U.S.C. §§ 351(a) and (b)) contain substantially the same definition, as does section 3231 of the Railroad Retirement Tax Act (26 U.S.C. § 3231).

Based on the information summarized above, it is determined that Chattahoochee & Gulf Railroad Co., Inc. became an employer covered under the Railroad Retirement Act and the Railroad Unemployment Insurance Act effective March 7, 2003 the date on which actual operations began.

Original signed by:

Beatrice Ezerski  
FOR THE BOARD  
Secretary to the Board